

United States District Court  
District of Massachusetts  
Worcester Division

Chamond Henderson  
petitioner

v.

United States of America  
respondant

No. 04-40119

FILED  
CLERK'S OFFICE

2005 FEB 16 P 12:52

U.S. DISTRICT COURT  
civil action

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MOTION FOR LEAVE TO AMEND 28 U.S.C. § 2255 MOTION  
TO VACATE, SET ASIDE OR CORRECT SENTENCE

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NOW INTO COURT comes Chamond Henderson, the petitioner, appearing through pro se representation and respectfully moves this Honorable Court to file an Amendment to his 28 U.S.C. § 2255 Motion To vacate, set Aside or Correct Sentence, pursuant to Federal Rules of Civil Procedure, Rule 15(a). Leave to amend shall be freely given when justice so requires.

Petitioner request comes in light of the decision in Booker/Fanfan 2005 WL 50108 (U.S. 2005) which reaffirms the holding in Apprendi v. New Jersey 147 L Ed 2d 435 (1999) now raise potential meritorious arguments that are now available to petitioner for the first time. See Sanders v. United States 10 L Ed 2d 148 (1963), (leave to amend shall be freely given when justice so requires.)

WHEREFORE, the petitioner prays this Honorable Court will grant petitioner the opportunity to amend petition in accordance to aforementioned.

Dated 2/8/05

Respectfully Submitted,

*Chamond Henderson*

Chamond Henderson

CERTIFICATE OF SERVICE

*I*, Chamond Henderson, certify that, on Feb. 8<sup>th</sup>, 2005, I caused one copy of the foregoing Motion to be served by mail on the AUSA JOHN A. WORTMAN, JR.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this day Feb. 8<sup>th</sup>, 2005

Respectfully Submitted  
*Chamond Henderson*  
02/08/05